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10/753,846

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Alak Deb

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EXAMINER

RIDER, JUSTIN W

ART UNIT

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2626

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/753,846

Applicant(s)

DEB ET AL.

Examiner

Justin W. Rider

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/06, 09/06 (3 sheets)</u> .                                 | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed 07 January 2004. Claims 1-21 are pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement(s) (IDS) submitted on 9/2006 and 09/2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement(s). It is noted that cited articles pertaining to IDS submitted on 9/2006 were not included with the instant application record; however, they were included with the co-pending application 10/753,727, by the same applicant and were therefore considered.

#### ***Double Patenting***

3. Claims 1-2, 4, 8-13, 16-18 and 20-21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5, 7-9, 11, 13, 15-16 and 19 of copending Application No. 10/753,727. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed toward executing actions based on tokenized messages from within message bodies by means of semantic processing.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Objections***

4. Claims 9 and 10 are objected to because of the following informalities: In claim 9, line 2; a period is missing. In claim 10, line 1, the language should be adjusted to identify that the 'program instructions' are computer program instructions so as to clearly identify the scope of invention as one of a statutory nature under 35 U.S.C. 101. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 5 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There fails to be any recitation of *'defining an object oriented scheme to associate the message segment with at least one of the rules,'* or defining the above by means of *'being enabled through grammar based access.'*

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 4-10, 13, 15-16, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by **Corston-Oliver et al. (USPN 7,069,207)** referred to as **Corston-Oliver** hereinafter.

*Claim 1:* **Corston-Oliver** discloses a method for evaluating contents of a message, comprising:

- i. characterizing(determining document structure and other information) a message segment [*variety of parts*] (col. 5, lines 2-3);
- ii. scanning the message segment to define tokens associated with the message segment (col. 5, lines 23-24, '*receives message body 214 and breaks it into words (or other tokens).*');
- iii. parsing the tokens to extract substructures (col. 5, lines 25-28, '*and obtains a variety of information associated with each word (or token), such as the meaning, the part-of-speech, etc.*' [emphasis added]);
- iv. determining rules associated with the tokens, the rules when executed defining actions (ways to handle tokens based on rules) and executing the actions associated with the message segment (col. 8, lines 22-67, tokens are handled a certain way based on the meanings, part-of-speech, etc.); and
- vi. queuing the message segment for transmission to a destination (Fig. 2, **202**; col. 5, lines 60-65, the compressor component **202** performs a compression on the message before outputting it to a target device).

**Claim 4:** **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the method operation of parsing the tokens to extract substructures includes creating a parse tree (col. 5, lines 28-31).

**Claims 5 and 6:** **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the method operation of determining rules associated with the tokens includes defining an object oriented scheme (col. 2, lines 34-38, *'may be described in the general context of computer-executable instructions, such as program modules...include...objects, '*) to associate the message segment with at least one of the rules and wherein the method operation of defining an object oriented scheme to associate the message segment with at least one of the rules is enabled through grammar based access (under cols. 11-12, pseudo code from a particular object code grammar defines rules, of which are applied to the message segments, further embodied by the token characteristics disclosed in cols. 15-16).

**Claim 7:** **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the method operation of parsing the tokens to extract substructures includes, searching a list of keywords (col. 5, lines 25-27, *'accesses a morphological data base (such as a dictionary) ...'*); and inferring semantics of sub-strings between the key words (*...and obtains a variety of information associated with each word (or token), such as the meaning, the part-of-speech, etc...'*).

**Claim 8:** **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the message is composed of multiple segments (col. 5, lines 2-4, *'includes a variety of parts including a header, a body of text, and, in the case of email, previous messages in the email thread'*).

Claim 9: **Corston-Oliver** discloses a method for evaluating contents of a message as per claim 1 above, wherein the substructures span multiple message segments (col. 5, lines 15-19, *'may provide any other natural language body of text to analyzer 206, other than message body 214. For example...a subject header, a task description header, a web page, etc. '*).

Claim 10: Claim 10 is similar in scope and content to that of claim 1 above and so therefore is rejected under the same rationale.

Claim 13: Claim 13 is similar in scope and content to that of claim 4 above and so therefore is rejected under the same rationale.

Claim 15: Claim 15 is similar in scope and content to that of claim 7 above and so therefore is rejected under the same rationale.

Claim 16: Claim 16 is similar in scope and content to that of claim 1 above and so therefore is rejected under the same rationale.

Claim 19: Claim 19 is similar in scope and content to that of claim 7 above and so therefore is rejected under the same rationale.

Claim 21: **Corston-Oliver** discloses a network device as per claim 16 above, wherein the circuitry for scanning a message to define tokens associated with the message includes circuitry for building a data structure from the defined tokens (col. 7, lines 52-54).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 11-12, 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Corston-Oliver** in view of **W3C**, '**Speech Recognition Grammar Specification Version 1.0**', **W3C Candidate Recommendation 26 June 2002** referred to as **W3C** hereinafter.

Claim 2: **Corston-Oliver** discloses a method as per claim 1 above, however failing to, but **W3C** does disclose associating each of the message segments with a meta session through the tokens; and retrieving meta session state information related to the message segments (p. 41, section 4.11.1: Meta and HTTP-Equiv, '*A meta declaration in either ABNF Form or the XML Form associates a string to declared meta property or declares "http-equiv" content.*').

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **W3C** in the method of **Corston-Oliver** because **W3C** defines the syntax and rules for representing grammars used in recognition of linguistics, using Augmented BNF Form and XML form, which are two well-known grammars used in the art which are flexible, simple and widely implemented.

Claim 11: Claim 11 is similar in scope and content to that of claim 2 above and so therefore is rejected under the same rationale.

Claim 12: **Corston-Oliver** discloses a method as per claim 1 above, however failing to, but **W3C** does disclose determining a grammar type (style of message, e.g. ABNF Form, XML) of the message (p. 24, Section 2.7: Language).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **W3C** in the method of **Corston-Oliver** because of the reasons outlined above.



Claims 17-18: Claims 17-18 are similar in scope and content to that of claim 2 above and so therefore are rejected under the same rationale.

Claim 20: Claim 20 is similar in scope and content to that of claim 12 above and so therefore is rejected under the same rationale.

11. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Corston-Oliver** in view of **Moscola et al.**, 'Implementation of a Content-Scanning Module for an Internet Firewall' referred to as **Moscola** hereinafter.

Claim 3: **Corston-Oliver** discloses a method as per claim 3 above, however failing to, but **Moscola** does, specifically disclose wherein, upon analysis of an incoming message, if determined to be suspect, is dealt with (quarantined) according to the rules that govern many Denial of Service (DOS) attacks (1. Introduction).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Moscola** in the method of **Corston-Oliver** because **Moscola** discloses a means for greatly expanding firewall functionality, which allows for a greater reduction of potentially harmful intrusions, by adding regular expression matching within the packet payload.

Claim 14: **Corston-Oliver** discloses a method as per claim 3 above where messages are sent in multiple segments, however failing to, but **Moscola** does, specifically disclose wherein, messages are sent over a packet based network (Abstract; Introduction).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Moscola** in the method of **Corston-Oliver** because of the reasons outlined above.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Dick et al. (US 2002/0174340 A1)** discloses a system for auditing XML based documents in a network-based message stream utilizing tokenizing of segments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin W. Rider whose telephone number is (571) 270-1068. The examiner can normally be reached on Monday - Friday 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.W.R.  
18 April 2007



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